

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1770**

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**Introduced by Assembly Member Alejo**

February 3, 2016

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An act to amend Section 18930 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL’S DIGEST

AB 1770, as amended, Alejo. Food assistance program: eligibility.

Existing law requires the State Department of Social Services to establish the Food Assistance Program for certain immigrants residing in this state, including, among others, a battered immigrant spouse or a Cuban or Haitian entrant, as described in specified provisions of federal law.

~~This bill would make technical, nonsubstantive changes to these provisions.~~ *provide that a noncitizen is eligible for aid under the Food Assistance Program if he or she is lawfully present in the United States. To the extent this bill would expand eligibility for the Food Assistance Program, which is administered by the counties, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 18930 of the Welfare and Institutions  
2     Code is amended to read:  
3     18930. (a) The State Department of Social Services shall  
4     establish a Food Assistance Program to provide assistance for  
5     those persons described in subdivision (b). The department shall  
6     enter into an agreement with the United States Department of  
7     Agriculture to use the existing federal Supplemental Nutrition  
8     Assistance Program coupons for the purposes of administering  
9     this program. Persons who are members of a household receiving  
10    CalFresh benefits under this chapter or under Chapter 10  
11    (commencing with Section 18900), and are receiving CalWORKs  
12    benefits under Chapter 2 (commencing with Section 11200) of  
13    Part 3 on September 1, 1998, shall have eligibility determined  
14    under this chapter without need for a new application no later than  
15    November 1, 1998, and the beginning date of assistance under this  
16    chapter for those persons shall be September 1, 1998.  
17    (b) (1) Except as provided in paragraphs (2), (3), and (4) and  
18    Section 18930.5, noncitizens of the United States shall be eligible  
19    for the program established pursuant to subdivision (a) if the  
20    person's immigration status meets the eligibility criteria of the  
21    federal Supplemental Nutrition Assistance Program in effect on  
22    August 21, 1996, but he or she is not eligible for federal  
23    Supplemental Nutrition Assistance Program benefits solely due  
24    to his or her immigration status under Public Law 104-193 and  
25    any subsequent amendments thereto.  
26    (2) Noncitizens of the United States shall be eligible for the  
27    program established pursuant to subdivision (a) if the person is a  
28    battered immigrant spouse or child or the parent or child of the  
29    battered immigrant, as described in Section 1641(c) of Title 8 of  
30    the United States Code, as amended by Section 5571 of Public  
31    Law 105-33, ~~or~~ if the person is a Cuban or Haitian entrant as  
32    described in Section 501(e) of the federal Refugee Education  
33    Assistance Act of 1980 (Public Law ~~96-422~~; 96-422), *or if the*  
34    *person is otherwise lawfully present in the United States.*

1 (3) An applicant who is otherwise eligible for the program but  
2 who entered the United States on or after August 22, 1996, shall  
3 be eligible for aid under this chapter only if he or she is sponsored  
4 and one of the following apply:

5 (A) The sponsor has died.

6 (B) The sponsor is disabled as defined in subparagraph (A) of  
7 paragraph (3) of subdivision (b) of Section 11320.3.

8 (C) The applicant, after entry into the United States, is a victim  
9 of abuse by the sponsor or the spouse of the sponsor if the spouse  
10 is living with the sponsor.

11 (4) An applicant who is otherwise eligible for the program but  
12 who entered the United States on or after August 22, 1996, who  
13 does not meet one of the conditions of paragraph (3), shall be  
14 eligible for aid under this chapter beginning on October 1, 1999.

15 (5) The applicant shall be required to provide verification that  
16 one of the conditions of subparagraph (A), (B), or (C) of paragraph  
17 (3) has been met.

18 (6) For purposes of subparagraph (C) of paragraph (3), abuse  
19 shall be defined in the same manner as provided in Section 11495.1  
20 and Section 11495.12. A sworn statement of abuse by a victim, or  
21 the representative of the victim if the victim is not able to  
22 competently swear, shall be sufficient to establish abuse if one or  
23 more additional items of evidence of abuse is also provided.  
24 Additional evidence may include, but is not limited to, the  
25 following:

26 (A) Police, government agency, or court records or files.

27 (B) Documentation from a domestic violence program, legal,  
28 clinical, medical, or other professional from whom the applicant  
29 or recipient has sought assistance in dealing with abuse.

30 (C) A statement from any other individual with knowledge of  
31 the circumstances that provided the basis for the claim.

32 (D) Physical evidence of abuse.

33 (7) If the victim cannot provide additional evidence of abuse,  
34 then the sworn statement shall be sufficient if the county makes a  
35 determination documented in writing in the case file that the  
36 applicant is credible.

37 (c) In counties approved for alternate benefit issuance systems,  
38 that same alternate benefit issuance system shall be approved for  
39 the program established by this chapter.

(d) (1) To the extent allowed by federal law, the income, resources, and deductible expenses of those persons described in subdivision (b) shall be excluded when calculating CalFresh benefits under Chapter 10 (commencing with Section 18900).

(2) A household shall not receive more CalFresh benefits under this section than it would if no household member was rendered ineligible pursuant to Title IV of Public Law 104-193 and any subsequent amendments thereto.

*SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.*